# City of Portsmouth, New Hampshire

## *Wetland Conditional Use Permit Application Checklist*

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

**Applicant Responsibilities:** Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: Sarah Sullivan (Large) Date Submitted: 2/20/2025

Application # (in City's online permitting): _____

Site Address: 224 Cate Street, Portsmouth, NH Map: 173 Lot: 3

| ☑ | Required Items for Submittal | Item Location (e.g. Page or Plan Sheet/Note #) |
|---|---|---|
| ✔ | Complete application form submitted via the City's web-based permitting program | FBE Memorandum |
| ✔ | All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital **Portable Document Format (PDF)**. One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline. | |

| ☑ | Required Items for Submittal | Item Location (e.g. Page/line or Plan Sheet/Note #) |
|---|---|---|
| ✔ | Basic property and wetland resource information. **(10.1017.21)** | FBE Memorandum |
| ✔ | Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. **(10.1017.22)** | FBE Memorandum |
| ☐ | Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). **(10.1017.23)** | |
| ☐ | Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. **(10.1017.24)** | N/A - impervious surface impacts are not proposed |

| ☑ | Required Items for Submittal | Item Location (e.g. Page/line or Plan Sheet/Note #) |
|---|---|---|
| ✔ | Wetland buffer enhancement plan. **(10.1017.25)** | See Site Map |
| ☐ | Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. **(10.1017.26)** | N/A |
| ✔ | Stormwater management must be in accordance with Best Management Practices including but not limited to: *1. New Hampshire Stormwater Manual, NHDES, current version.* *2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.* **(10.1018.10)** | |
| ✔ | Vegetated Buffer Strip slope of greater than or equal to 10%. **(10.1018.22)** | > 10% slope |
| ✔ | Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. **(10.1018.23/10.1018.24/10.1018.25)** | Restoration of disturbed topsoil and buffer enhancements. |
| ☐ | All new pavement within a wetland buffer shall be porous pavement. **(10.1018.31)** | N/A - not proposing new pavement |
| ☐ | An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. **(10.1018.32)** | N/A - not proposing new pavement |
| ✔ | Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. **(10.1018.40)** | Wetland/watercourse delineated. Flagging hung in the field. Shown on the wetland delineation map. |
| ☑ | **Requested Items for Submittal** | **Item Location (e.g. Page or Plan Sheet/Note #)** |
| ✔ | A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the WCUP instruction page for further application instructions. | FBE Memorandum |
| ☐ | If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit. | N/A - no direct wetland impacts proposed |

**Applicant's Signature:** Sarah Sullivan **Date:** 2/20/2025

# MEMORANDUM

**TO:** Peter Britz, City of Portsmouth Director of Planning and Sustainability
Kate Homet, City of Portsmouth Environmental Planner

**FROM:** Sarah Sullivan (Large), FB Environmental Associates

**SUBJECT:** **224 Cate Street Wetland Buffer Restoration**

**DATE:** February 18, 2025

**CC:** Jesse Anderson (property owner); Forrest Bell & Kevin Ryan, FB Environmental Associates

**Attachments:** 1) Wetland Delineation Map; 2) Site Map; 3) Site Photographs

FB Environmental Associates (FBE) was contracted by Jesse Anderson, owner of 224 Cate Street (Map 173, Lot 3) in Portsmouth, New Hampshire, to assist with a wetland buffer restoration project addressing a violation of the city's 100-foot wetland buffer ordinance. Sarah Sullivan (Large), CWS, began coordination with Jesse Anderson in mid-December and conducted an initial site visit on 29 January 2025.

The City's violation letter cites vegetation and tree removal, as well as soil disturbance, within 100 feet of Hodgson Brook. The work was unintentionally conducted without approval. During coordination on future redevelopment plans, the property owner became aware of the Wetlands Protection Ordinance. A Land Use and Wetland Conditional Use Application has been submitted through the City's online permitting system.

This memorandum and its attachments supplement the submission.

## SITE DESCRIPTION

The property includes a two-story house, garage, gravel driveway, shed, two stone retaining walls, and a backyard. The yard slopes gradually north to south toward Hodgson Brook, a perennial watercourse that flows west to east along the southern boundary, between the parcel and Hodgson Way. Two large tree stumps are present upslope from the brook. Snow cover obscured the ground during the site visit, but there was little to no evidence of shrub or tall herbaceous vegetation throughout the yard. Based on photographs provided by the property owner and Google Earth imagery, the yard appears to be a maintained lawn.

The sloped embankment along Hodgson Brook is sparsely vegetated with trees and shrubs, including white ash (*Fraxinus americana*), maple (*Acer* sp.), red-osier dogwood (*Cornus sericea*), weeping forsythia (*Forsythia suspensa*), multiflora rose (*Rosa multiflora*), and Japanese knotweed (*Fallopia japonica*). Only a few isolated individuals of the non-native, invasive multiflora rose and Japanese knotweed were observed, comprising less than 1% of the wetland buffer. A berm with 15 Virginian arborvitae/western red cedar (Thuja plicata x standishii) trees lines the western edge of the backyard.

Due to its proximity to Hodgson Brook, approximately 69% of the lot falls within the City's 100-foot wetland buffer, with about 15% of the buffer occupied by residential development.

Hodgson Brook was mostly frozen during the site visit, though a small exposed section contained up to six inches of flowing water. It is classified as an upper perennial riverine system with an unconsolidated cobble-gravel and sand substrate (R3UB1/2). The watercourse, influenced by its urban surroundings, follows a linear channel constrained between two embankments. The northern edge of Hodgson Brook within the property was delineated, where the ordinary high-water mark and top of bank coincide.

## RESTORATION PLAN & WETLAND BUFFER ENHANCEMENT

To restore the site, exposed topsoil in the backyard will be seeded with grass to re-establish groundcover. The vegetated buffer along Hodgson Brook will be enhanced with native shrubs, primarily red-osier and/or gray dogwood (*Cornus racemosa*), to improve soil stabilization and stormwater management. Five dogwood shrubs, spaced 10 feet apart in a triangular pattern, will be planted within the buffer enhancement area shown on the Site Plan. If unavailable, alternative native species suited to well-drained, sandy loam soils, such as highbush blueberry (*Vaccinium corymbosum*) and smooth arrowwood (*Viburnum dentatum*), may be used.

This work will occur in the spring, during the growing season. Establishing vegetated groundcover and plantings isn't feasible in the winter. In the meantime, the current snow cover acts as a protective blanket over the exposed soils, preventing sediment from entering the stream. Erosion control measures, consisting of a silt sock, have been installed along the top of the slope adjacent to the brook, which will be monitored and adjusted as needed once the snow has melted.

## WETLAND CONDITIONAL USE PERMIT APPLICATION – SUPPLEMENTAL INFORMATION

**Wetland Buffer Impacts** (10.1017.23 & 10.1017.50)

The impacts within the wetland buffer include tree removal and soil disturbance within 100 feet of Hodgson Brook, conducted unintentionally without prior approval.

- The property owner states that the two removed trees, a red oak (*Quercus rubra*) and an ash (*Fraxinus* sp.), were diseased and deteriorating, posing a risk to property and human traffic underneath.
- A contractor used tracked machinery to access and remove the trees, disturbing the lawn's topsoil.
- A Wetland Conditional Use Permit application is submitted to address the violation and restore the wetland buffer.
- The proposed site alteration is the least impactful alternative under the Wetlands Protection Ordinance.
- The restoration aims to re-establish previous site conditions while enhancing the vegetated buffer along the brook.

The following address the Criteria for Approval in Section 10.1017.50:

1. Suitability – The land is well-suited for this activity; the yard was previously lawn and will be restored. Native plantings will help compensate for the trees removed.
2. No feasible alternative – There is no feasible alternative location outside the wetland buffer; the work is focused on restoration.
3. Wetland buffer functions – Re-established groundcover and native plantings will enhance shoreline stabilization, sediment retention, nutrient attenuation, and stormwater management, protecting Hodgson Brook's water quality.
4. Minimal necessary alteration – Tree removal was limited to what was necessary to protect the property, structures, and people traversing the site.
5. Least adverse impact – The proposed restoration minimizes impacts to the wetland buffer and Hodgson Brook while addressing the violation.
6. Natural state restoration – Areas within the vegetated buffer will be returned to a natural state to the maximum extent feasible. Areas of exposed soil will be stabilized and returned to grass. Native plantings will compensate for the tree removal and enhance the buffer along Hodgson Brook.

**Vegetated Buffer Strip** (10.1018.22)

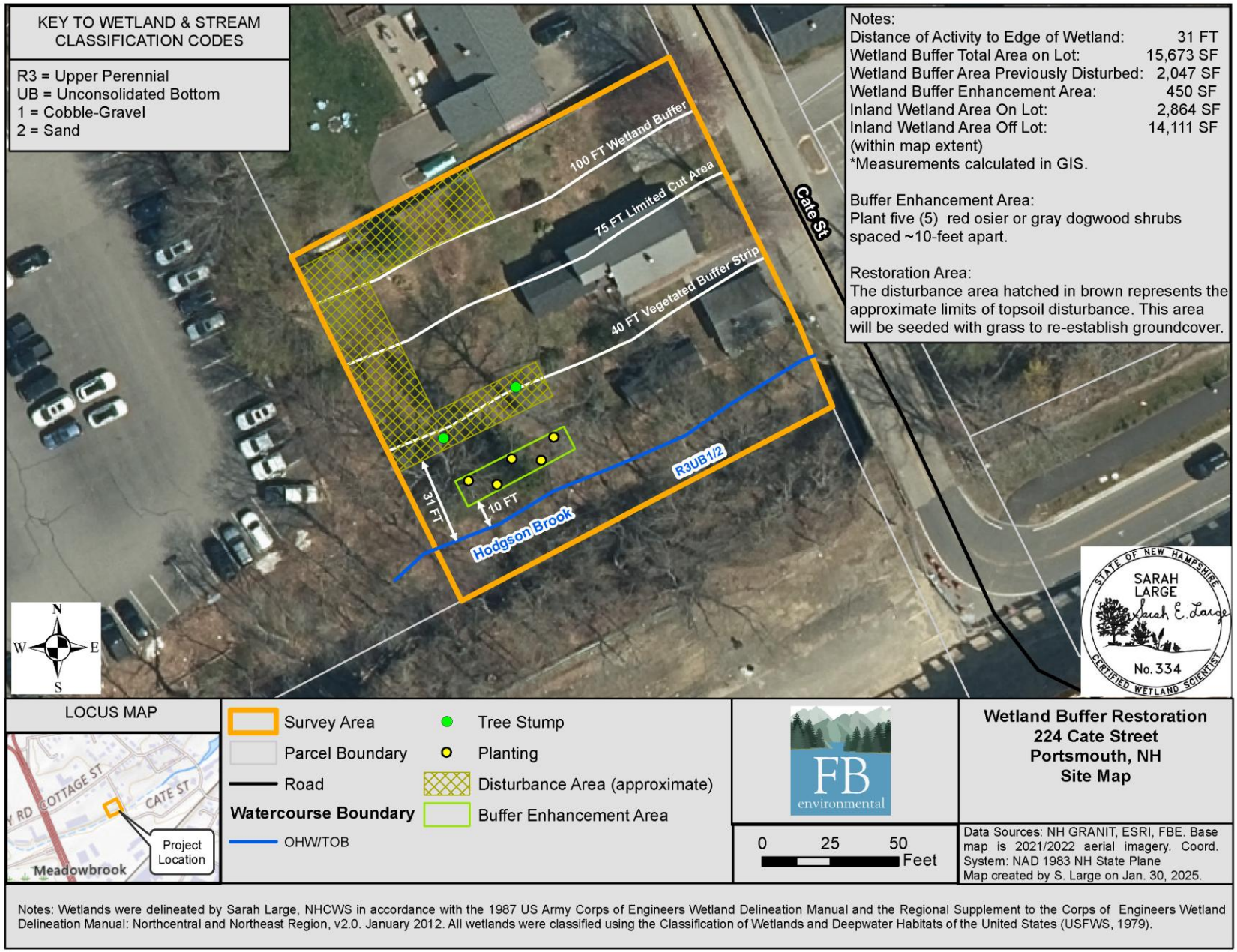
The sloped embankment along Hodgson Brook is greater than 10%. Therefore, per Article 10.1018.22 the Vegetated Buffer Strip along the perennial stream is 40 feet from the wetland resource.

**Removal or Cutting of Vegetation** (10.1018.23)

The two trees removed are located near the 40-foot Vegetated Buffer Strip (see attached Site Map). Included with this memo is documentation from the company hired to remove the two trees noting their assessment of the health and status of the trees. The disturbed topsoil will be seeded with grass to re-establish groundcover.

## ATTACHMENT 1. WETLAND DELINEATION MAP

## ATTACHMENT 2. SITE MAP




Notes: Wetlands were delineated by Sarah Large, NHCWS in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, v2.0. January 2012. All wetlands were classified using the Classification of Wetlands and Deepwater Habitats of the United States (USFWS, 1979).

## ATTACHMENT 3. SITE PHOTOGRAPHS

**Photo 1.** View facing west of the cut tree stumps and vegetation along Hodgson Brook. Photo taken 29 January 2025.

**Photo 2.** View of the property's backyard looking northwest toward the western boundary, lined with a row of planted arborvitae (*Thuja* sp.). Photo taken 29 January 2025.

**Photo 3.** Hodgson Brook, a perennial watercourse, flows west to east along the property's southern boundary. Photo taken 29 January 2025.

**Photo 4.** Vegetation on the embankment along Hodgson Brook consists of a sparse mix of trees and shrubs. Photo taken 29 January 2025.

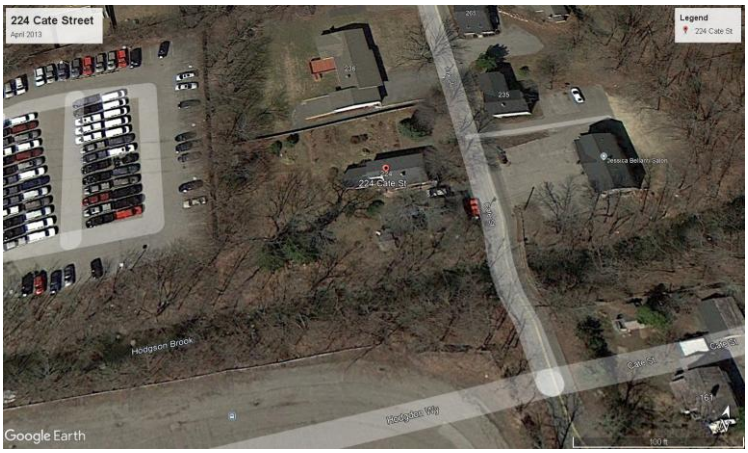



**Photo 5.** A Google Earth aerial image of 224 Cate Street from April 2013 depicting existing conditions.


**Photo 6.** A Google Earth aerial image of 224 Cate Street from April 2016 depicting existing conditions.


**Photo 7.** A Google Earth aerial image of 224 Cate Street from May 2018 depicting existing conditions.

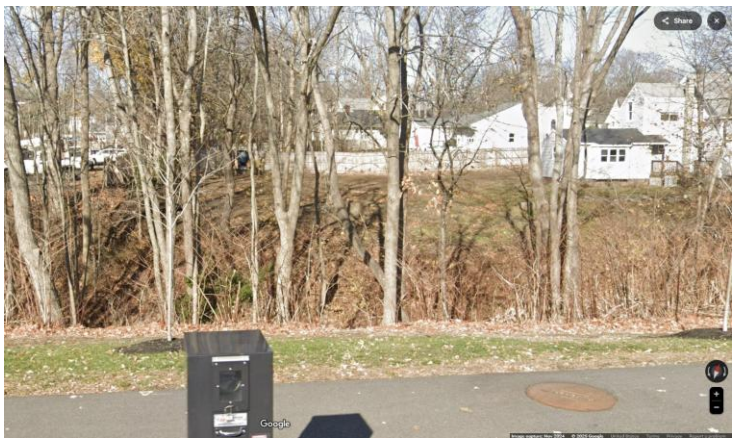



**Photo 8.** A google street view image facing Hodgson Brook and 224 Cate Street depicting conditions without snow cover.

**Photo 9.** Image of soil disturbance from fall 2024, provided by the property owner.

**Photo 10.** An image of the soil disturbance and remaining stumps, provided by the property owner.

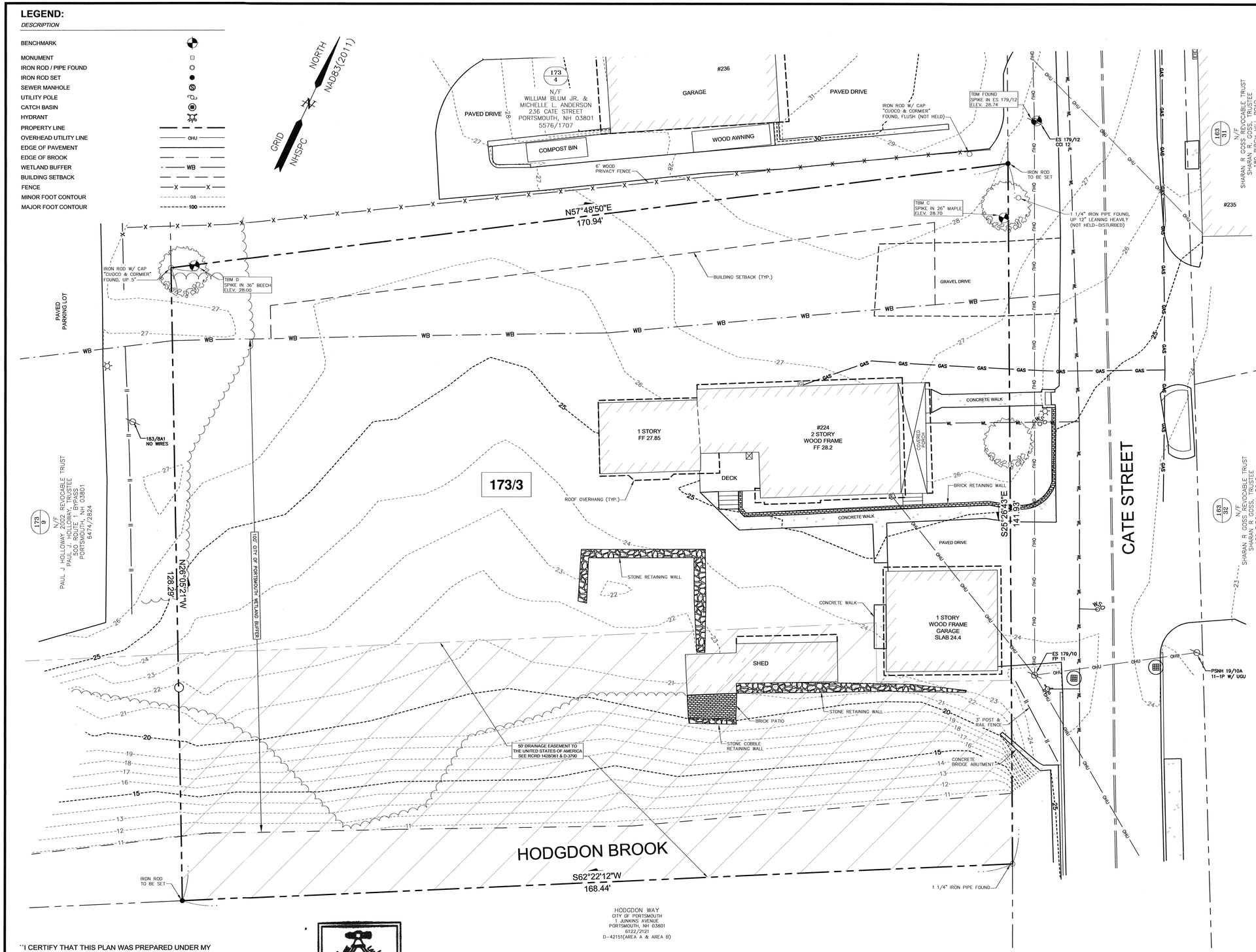
**Photo 11.** Silt sock erosion control measures installed at the top of the embankment above Hodgson Brook. Photo provided by the property owner.

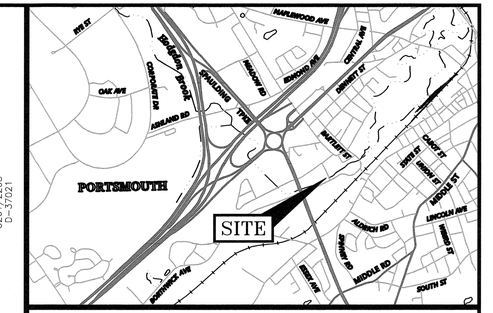
## LEGEND:

*DESCRIPTION*

BENCHMARK
MONUMENT
IRON ROD / PIPE FOUND
IRON ROD SET
SEWER MANHOLE
UTILITY POLE
CATCH BASIN
HYDRANT
PROPERTY LINE
OVERHEAD UTILITY LINE — OHU —
EDGE OF PAVEMENT
EDGE OF BROOK
WETLAND BUFFER — WB —
BUILDING SETBACK
FENCE — X — X —
MINOR FOOT CONTOUR — 98 —
MAJOR FOOT CONTOUR — 100 —

NORTH
NAD83(2011)
GRID
NHSPC




LOCATION MAP SCALE: 1" = 2000'

## NOTES:

1. PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 173 AS LOT 3.
2. OWNER OF RECORD:
   JESSE WARREN ANDERSON
   3 DEAN DRIVE
   DOVER, NH 03801
   5576/1707
3. PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2005.
4. EXISTING LOT AREA:
   22,847 S.F.
   0.5245 ACRES
5. PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
6. DIMENSIONAL REQUIREMENTS:

| | |
|---|---|
| MIN. LOT AREA: | 7,500 S.F. |
| FRONTAGE: | 100 FEET |
| SETBACKS: | |
| FRONT | 15 FEET |
| SIDE | 10 FEET |
| REAR | 20 FEET |
| MAXIMUM BUILDING HEIGHT: | 35 FEET |
| MAXIMUM BUILDING COVERAGE: | 25% |
| MINIMUM OPEN SPACE: | 30% |

7. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 173 LOT 3 IN THE CITY OF PORTSMOUTH, N.H..
8. VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
9. PARCEL IS BURDENED BY A DRAINAGE EASEMENT FOR THE BENEFIT OF THE UNITED STATES OF AMERICA, AS DESCRIBED IN RCRD 1428/361 AND SHOWN HEREON.
10. UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
11. ABUTTING STRUCTURE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE ONLY.

## PLAN REFERENCES:

1. PLAN OF A LOT OF LAND BELONGING TO FRANK JONES PORTSMOUTH, N.H., SCALE: 25 FEET TO AN INCH, DATED: MAY 1901, RCRD PLAN #00203
2. PLAN OF A LOT OF LAND BELONGING TO FRANK JONES PORTSMOUTH, N.H., PART OF WOODBURY FARM, SCALE: 40 FEET TO AN INCH, DATED: JULY 1901, PREPARED BY: A.C. HOYT, SURVEYOR, RCRD PLAN# 00223.
3. SUBDIVISION OF LAND HEIRS OF CORNELIUS COAKLEY PORTSMOUTH, N.H., SCALE: 1" = 40', DATED: APRIL 25, 1973, PREPARED BY: MCKENNA ASSOCIATES, RCRD D-3790.
4. LOT LINE REVISION PORTSMOUTH, N.H. FOR : MICHAEL A. PAGANO, SCALE 1 INCH = 10 FEET, DATED: JUNE 26, 1981, PREPARED BY JOHN W. DURGIN ASSOCIATES, INC., RCRD D-10278.
5. PLAN OF LAND FOR JOSEPH J. O'BRIEN JR. & SR., CATE STREET / ROUTE 1 BYPASS, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., SCALE: 1" = 50', DATED: NOVEMBER 17, 1988, PREPARED BY: RICHARD P. MILLETTE AND ASSOCIATES, RCRD D-19110.
6. LOT LINE RELOCATION PLAN FOR U-HAUL REAL ESTATE COMPANY AND FRANCIS J. COSTELLO, CATE STREET / ROUTE 1 BYPASS, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., SCALE: 1" = 50', DATED: MAY 25, 1995, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, RCRD D-24912.
7. STANDARD BOUNDARY SURVEY AND SUBDIVISION PLAN OF LAND LOT LOT 8, TAX MAP 173, 160 COTTAGE STREET PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM, SCALE 1" = 20', DATED 4-16-01, PREPARED BY: CIVILWORKS, RCRD D-28981.
8. LOT LINE ADJUSTMENT PLAN FOR LAND OWNED BY SHARAN R. GOSS REVOCABLE TRUST KNOWN AS TAX MAP 163 LOT 31 & 32 LOCATED ALONG #201 & 235 CATE STREET PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM, SCALE 1" = 20', DATED: JULY 28, 2011, PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC., RCRD D-37021
9. PLAN OF LAND, LAND OF PORTSMOUTH LAND ACQUISITIONS, LLC, TAX MAP 163, LOTS 33 & 34, TAX MAP 165, LOT 2, TAX MAP 172, LOT 1, TAX MAP 173, LOT 2, CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE, SCALE 1 INCH = 50 FT., DATED: OCTOBER 2018, PREPARED BY: DOUCET SURVEY, INC., RCRD D-41129.
10. SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34, TAX MAP 165, LOT 2, TAX MAP 172, LOT 1, TAX MAP 173, LOT 2, CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE, SCALE: 1 INCH = 50 FT., DATED: JULY 3, 2019, PREPARED BY: DOUCET SURVEY LLC, RCRD D-42451.
11. PROPERTY SURVEY LOCATED AT: 267 CATE STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, FOR: WILLIAM H. LOMAS, SCALE: 1" = 10', DATED: 5/15/2023, PREPARED BY STONEWALL SURVEYING, RCRD D-43914.
12. BOUNDARY PLAN OF LAND PREPARED FOR WILLIAM BLUM, JR. & MICHELLE ANDERSON, TAX MAP 173, LOT NO. 4, 236 CATE STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', DATED: OCTOBER 16, 2024, PREPARED BY McENEANEY SURVEY ASSOCIATES, NOT RECORDED.

HODGDON WAY
CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801
6122/2121
D-42151(AREA A & AREA B)

**GRAPHIC SCALE**

10 0 5 10 20 30
( IN FEET )
1 inch = 10 ft.

``I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

LLS 10/18/2024
PHILLIP A. YETMAN, LLS DATE

LICENSED LAND SURVEYOR No 1122 PHILLIP A. YETMAN

| REV. | DATE | DESCRIPTION | BY | CHK. |
|---|---|---|---|---|
| - | 10/18/24 | ISSUED FOR COMMENT | CSA | PAY |

DRAWING ISSUE STATUS

**SITE SURVEY**


HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
200 GRIFFIN ROAD
UNIT # 14
PORTSMOUTH, NH 03801
603.430.9282
WWW.HALEYWARD.COM


PROJECT

**ANDERSON RESIDENCE**
**224 CATE STREET, PORTSMOUTH, NH**

TITLE

**EXISTING CONDITIONS SURVEY**

| | |
|---|---|
| DATE: SEPTEMBER 2024 | SCALE: 1" = 10' |
| DRAWN BY: CSA | DESIGNED BY: — |
| CHECKED BY: PAY | |
| PROJECT No.: 5010480.001 | FIELD BOOK & PAGE: FB 480 PG 1 |
| DRAWING No.: **V101** | REV.: - |

FB Environmental
*where science meets civics*

**Sarah Large <sarahl@fbenvironmental.com>**

# Fwd: Tree removal

**Jesse Anderson** <jesse@andersonweldingllc.com> Thu, Dec 12, 2024 at 3:22 PM
To: Sarah Large <sarahl@fbenvironmental.com>

**Anderson Welding LLC**
**AWCO**
Jesse Anderson
Owner
Office: (603)905-9955
Cell: (603)828-5876
19 Colonial Way Barrington NH 03825
www.AWCOutilities.com

---------- Forwarded message ---------
From: **Timber Falls Tree Care** <timberfallstreecare@gmail.com>
Date: Thu, Dec 12, 2024 at 3:16 PM
Subject: Tree removal
To: <Jesse@andersonweldingllc.com>

To whom it may concern.
Jesse Anderson hired my company Timber Falls Tree Care for the services of removing 2 trees in his backyard. One of the trees was an Ash tree which due to the Emerald Ash bore beetle left the tree in a rapid state of structural collapse. The second tree was an aging Red oak tree with evidence of past upper canopy failures and substantial visible decaying wood roughly 20' up on the main trunk. With the forecasted constructions plans discussed with the land owner we decided to remove the tree as the traffic under the canopy of the tree will be increasing over the next several months.

Thank you
Derek Barnett

FB Environmental
*where science meets civics*

**Sarah Large <sarahl@fbenvironmental.com>**

# Project Check In

**Jesse Anderson** <jesse@andersonweldingllc.com> Wed, Feb 19, 2025 at 12:36 PM
To: Sarah Large <sarahl@fbenvironmental.com>
Cc: Forrest Bell <info@fbenvironmental.com>

Sarah,

You have my approval to move forward and represent me on my behalf.

Jesse

**Anderson Welding LLC**
**AWCO**
Jesse Anderson
Owner
Office: (603)905-9955
Cell: (603)828-5876
19 Colonial Way Barrington NH 03825
www.AWCOutilities.com

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